

VZCZCXRO8328  
PP RUEHAG RUEHAST RUEHDA RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA RUEHLN  
RUEHLZ RUEHPOD RUEHROV RUEHSR RUEHVK RUEHYG  
DE RUEHAK #0448/01 0670909  
ZNR UUUUU ZZH  
P 070909Z MAR 08 ZDS  
FM AMEMBASSY ANKARA  
TO RUEHC/SECSTATE WASHDC PRIORITY 5507  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE  
RHMFISS/EUCOM POLAD VAIHINGEN GE  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RUEKJCS/JOINT STAFF WASHDC//J-3/J-5//  
RHEHAAA/NSC WASHDC  
RUEUITH/ODC ANKARA TU//TCH//  
RUEKJCS/SECDEF WASHDC  
RUEUITH/TLO ANKARA TU  
RUEHAK/TSR ANKARA TU  
RUEHAK/USDAO ANKARA TU

UNCLAS SECTION 01 OF 02 ANKARA 000448

SIPDIS

C O R R E C T E D C O P Y -- ADDED CAPTION

SENSITIVE  
SIPDIS

E.O. 12958: N/A  
TAGS: [KIRF PHUM PREL OSCE TU](#)  
SUBJECT: TURKEY'S COMPULSORY RELIGION COURSES ILLEGAL, TOP  
ADMINISTRATIVE COURT RULES

REF: 07 ISTANBUL 1088

ANKARA 00000448 001.2 OF 002

11. (SBU) Summary: Turkey's highest administrative court ruled March 3 that students may be exempted from mandatory religious education classes. Alevis welcomed the ruling as a major victory, urging its immediate implementation. The EU called it a landmark decision, noting the court relied not only on Turkish law but also European Court of Human Rights (ECHR) case law and the European Convention on Human Rights (the "Convention"). Officials from the ruling Justice and Development Party (AKP) have made conflicting statements about whether the GOT would implement or challenge the ruling. End summary.

-----  
Court Rules Mandatory Religion Courses Illegal  
-----

12. (U) Turkey's Council of State (Danistay) ruled March 3 that students may be excused from mandatory religious education classes. An Alevi father in Istanbul filed the case, objecting to his 7th-grade son's forced attendance at Sunni-oriented classes. The Danistay ruling noted a conflict between Constitution Article 24, obligating secondary and high school students to attend classes on religion, culture and morality, and the Convention provision stating parents' beliefs must be respected in providing religious education. The current courses, according to the court, could not be considered classes on culture and morality because they fail to take into account the beliefs of a broad section of society. "For the Religious Culture and Morality course to be mandatory under its current content is against the law," the Danistay ruled. The Danistay ruling may still be appealed to the Council of State Supreme Board.

13. (U) The court cited a similar October, 2007 ECHR decision, stating the GOT breached the rights, accorded by the Convention, of an Alevi father and daughter by denying the father's request to exempt his daughter from compulsory religion courses (reftel). The ECHR awarded the plaintiffs legal fees and deemed it appropriate compensation for Turkey to bring its educational system and domestic legislation into

conformity with the Convention.

-----  
Alevis Welcome Ruling; Urge Immediate Implementation  
-----

¶4. (SBU) Alevi Bektasi Federation (an umbrella organization representing 155 associations and 35 foundations) President Turan Eser told us the ruling was a major victory for Turkey's approximately 15 million Alevis. "The court backed our argument that the classes violate the Constitution, and put an end to the Islamization of education," he said. Eser expects the Ministry of Education immediately to implement the decision. If it does not do so by May, federation members would withdraw their children from the classes and file an onslaught of additional legal complaints, Eser said.

¶5. (SBU) Pir Sultan Abdal Association President Kazim Genc told us the Danistay decision paralleled the October ECHR decision. If the decision is not implemented soon, his organization plans to have thousands of parents petition EU parliamentarians and file court cases in Turkey and the ECHR.

-----  
EU: Danistay's Recognition of ECHR Precedent Key  
-----

¶6. (SBU) Ankara European Commission contacts are very pleased by the decision. EC political officer Sema Kilicer said protecting religious liberties is one of the most important conditions for Turkey's accession bid. The EC consistently has pressed Turkey to address long-standing Alevi complaints, including the mandatory education courses, failure to officially recognize Alevi places of worship ("cem houses"), and government funding only for Sunni Islam institutions.

¶7. (SBU) The EC's Serap Ocak believes the Danistay's respect for the ECHR's recent ruling on this controversial issue is an important precedent for Turkey's judiciary. Though the Danistay judges may have acted to protect the interests of secular Alevis, reliance on an ECHR decision could signal a shift in attitude by Turkey's higher courts, which have

ANKARA 00000448 002.2 OF 002

historically turned a blind eye to international juridical precedents.

-----  
AKP Officials Issue Conflicting Statements  
-----

¶8. (U) State Minister for Religious Affairs Said Yazicioglu told the press the verdict was similar to the recent ECHR decision, which Ministry of Education experts have been studying to formulate a solution consistent with the Constitution. One solution might be to make religion courses electives, he noted. In contrast, AKP deputy leader Dengir Mir Mehmet Firat, speaking March 5 in New York, said the Danistay usurped the Constitutional Court's authority. Only the Constitutional Court may assess the Constitution, he argued. Firat, a lawyer, added the Constitutional Court is the correct institution to implement the October ECHR decision. The Minister of Education, who agreed with Firat's jurisdictional point, also told the press the Danistay decision was based on an old curriculum, since replaced, and claimed the Ministry would appeal the decision. State Minister Mehmet Aydin also argued that textbooks and curriculum have changed since the case was filed.

-----  
Religious Affairs Head Criticizes Decision  
-----

¶9. (U) Directorate of Religious Affairs (Diyanet) President Ali Bardakoglu said in a March 6 press conference that courses on religion should be compulsory and that raising children who have no knowledge of religion will lead to serious harm. Bardakoglu maintained it would not be correct to abolish courses on religion just because there are a few mistakes in the curriculum. "Giving information on a

religion doesn't necessarily mean imposing the fundamentals of that religion on individuals," he stated.

Visit Ankara's Classified Web Site at  
<http://www.intelink.sgov.gov/wiki/Portal:Turkey>

WILSON